

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

69cv07941 BB
Rio Chama Adjudication

RAMON ARAGON, *et al.*,

Defendants.

ORDER

THIS MATTER comes before the Court on Andrew Valdez' Motion to Confirm Andrew Valdez as a Successor-in-Interest to A.B. Valdez (Doc. No. 9908, filed June 18, 2010).

Special Master Gabin filed her Report and Recommendations on the Priorities of Three Acequias (Doc. No. 9546) on December 16, 2009. After several parties filed objections, the Court ruled that it would "limit its consideration of objections to the Special Master's Report to those filed by persons that timely objected to the Notices and Orders to Show Cause or their successors-in-interest." (Mem. Op. and Order at 4, Doc. No. 9700, filed April 28, 2010). Andrew Valdez subsequently filed, along with four other *pro se* parties, joint objections to the Special Master's Report. (*See* Joint Objections at 2, Doc. No. 9717, filed May 14, 2010).

In the Motion now before the Court, Andrew Valdez asks the Court to confirm that he is a successor-in-interest to defendant A.B. Valdez. A.B. Valdez had timely filed an objection the the Notice and Order to Show Cause for Subfile No. 246. (*See* Doc. No. 3974.12). It appears that Andrew Valdez seeks confirmation as successor-in-interest for the purpose of having the Court consider his objections to the Special Master's Report. No party filed a response in opposition to Andrew Valdez' Motion.

Andrew Valdez states that he has an interest in lands irrigated by the Acequia de Chamita and submits copies of Change of Ownership forms filed with the Office of the State Engineer on June 10, 2010, that indicate that Dorothy Valdez and Alfonso B. Valdez conveyed the water rights for Subfile Nos. 246 and 20-11 to Andrew Valdez and Dorothy Valdez.¹ (Motion at 3-6). He also attaches a copy of a warranty deed that conveys certain real property and “all water rights pertinent hereto” to Dorothy Valdez, surviving spouse of Alfonso B. Valdez, and to Andrew Valdez.² Andrew Valdez also attaches a copy of a letter from a commissioner of the Acequia de Chamita stating that Andrew Valdez is the son of A.B. Valdez and heir and successor to subfile number 246.

Because he has made a *prima facie* showing that he is a successor-in-interest to A.B. Valdez, who timely filed an objection to the Notice and Order to Show Cause for Subfile No. 246, and because no party filed a response in opposition to Andrew Valdez’ Motion, the Court will consider Andrew Valdez’ Objections to the Special Master’s Report subject to the ruling in the Court’s June 25, 2010 Order (Doc. No. 9910) that the Court will limit its review of the objections to the Special Master’s Report to the evidence and testimony presented to the Special Master during the August 1996 hearings on the disputed priorities.

IT IS SO ORDERED.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

¹The Change of Ownership forms are signed by Andrew Valdez and Dorothy Valdez but are not notarized.

²The Warranty Deed does not indicate the subfile number of the conveyed water rights.